

**UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF WEST VIRGINIA  
CHARLESTON**

**UNITED STATES OF AMERICA**

**v.**

**CRIMINAL NO.: 2:24-cr-00194**

**MICHAEL DAVID BARKER**

**PRELIMINARY ORDER OF FORFEITURE**

WHEREAS, the defendant, MICHAEL DAVID BARKER, appeared before this Court with the effective assistance of counsel and pled guilty to Count One of the Indictment, which charged him with a violation of 18 U.S.C. § 1349, (conspiracy to commit mail fraud);

WHEREAS, the Indictment also included a forfeiture allegation against the defendant seeking a forfeiture money judgment in the amount of \$1,600,000.00 in United States currency, more or less, to the United States pursuant to 18 U.S.C. §§ 981, 982, and 28 U.S.C. § 2461 of the following:

1. Forfeiture money judgment in the amount of \$1,600,000.00.

WHEREAS, the defendant has consented to forfeit all of his right, title, and interest in the forfeiture money judgment in the amount of \$1,600,000.00 in United States currency, more or less described above which constituted, or was derived from, any proceeds of, or facilitated the commission of, violation of 18 U.S.C. § 1349 as set forth in the Indictment;

ACCORDINGLY, based on the defendant's plea of guilty and finding that there is a nexus between the property listed above and the offense to which the defendant has pled guilty, and that the defendant had a possessory interest or other legal interest in the property, the Court hereby ORDERS that any and all interest of the defendant, MICHAEL DAVID BARKER, in the

property listed above be and the same hereby is FORFEITED to the United States pursuant to 18 U.S.C. §§ 981, 982, and 28 U.S.C. § 2461;

WHEREAS, Fed. R. Crim. P. 32.2(c)(1) provides that “no ancillary proceeding is required to the extent the forfeiture consists of a money judgment.”

Pursuant to Fed. R. Crim. P. 32.2(b)(3), upon entry of this order, the United States Attorney’s Office is authorized to conduct any discovery needed to identify, locate, or dispose of the property, including depositions, interrogatories, and requests for production of documents, and to issue subpoenas pursuant to Fed. R. Civ. P. 45.

A forfeiture money judgment shall be included in the defendant’s sentence, and the United States may take steps to collect the judgment from any property of the defendant, provided, the value of any forfeited specific assets shall be credited toward satisfaction of this money judgment upon liquidation.

The parties stipulate and agree that the aforementioned asset(s) constitute property derived from or traceable to proceeds of defendant’s crime(s) herein or property used in any manner to facilitate the commission of such offense(s) and are therefore subject to forfeiture pursuant to 18 U.S.C. §§ 981, 982, and 28 U.S.C. § 2461. The defendant hereby waives the requirements of Fed. R. Crim. P. 32.2 and 43(a) regarding notice of the forfeiture in the charging instrument, announcement of the forfeiture at sentencing, and incorporation of the forfeiture in the judgment against defendant. If the defendant has previously submitted a claim in response to an administrative forfeiture proceeding regarding any of this property, defendant hereby withdraws that claim. If defendant has not previously submitted such a claim, defendant hereby waives all right to do so.

As to any specific assets, following the Court's disposition of all timely petitions, a final order of forfeiture shall be entered.

The Clerk is directed to send certified copies of this Order to counsel of record, to Special Agent, Aaron Lee, United States Federal Bureau of Investigation, 113 Virginia Street East, Charleston West Virginia 25301, and to the United States Marshals Service, ATTN: Asset Forfeiture/Jaime Cochran, 85 Marconi Blvd., Room 460, Columbus, Ohio 43215.

IT IS SO ORDERED this \_\_\_\_ day of \_\_\_\_\_, 2025.

ENTER:

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THOMAS E. JOHNSTON  
UNITED STATES DISTRICT COURT

ORDER PREPARED BY:

/s/Justin A. Marlowe  
JUSTIN A. MARLOWE  
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WV State Bar No. 9695  
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